## REMARKS

Claims 108-130 were pending in the instant application. The Examiner has withdrawn claims 112-115, 119-122 and 125-130 as being drawn to a nonelected invention. Applicants have cancelled claims 116-122 and 124 without prejudice and reserve the right to pursue the subject matter of the cancelled claims in one or more related applications. Applicants have added claims 131-136 to more specifically point out and distinctly claim the invention. Support for the new claims is found throughout the specification as filed. For example, support for new claims 131, 132, 135 and 136 may be found, *inter alia*, in paragraph [0048] at page 16, in paragraph [0068] at page 22, in paragraph [00128] at page 37, in paragraph [0134] at page 39, and in paragraph [00136] at page 40; support for new claims 133 and 134 may be found, *inter alia*, in paragraph [0068] at page 22, in paragraph [00128] at page 37, and in paragraphs [00174] and [00176]at page 56. After entry of this amendment, claims 108-111, 123 and 131-136 will be pending.

### Supplemental Information Disclosure Statement

The Examiner has indicated that reference C06 submitted with the Information Disclosure Statement filed November 16, 2004 has not been considered and has been crossed-out because the date of the reference has not been provided.

In response, Applicants submit herewith a Supplemental Information Disclosure Statement with a List of References Cited containing reference C06 (now reference C78). The description of reference C78 identifies the publication date of reference. A copy of reference C78, which is identical to reference C06, is also included.

### Objections to the Description

The Examiner has required that the specification be reviewed for spelling, the use of embedded hyperlinks, the use of trademarks, and, where necessary, amended such that the trademarks are indicated appropriately.

In response, as indicated above, Applicants provide herewith a Substitute Specification in marked-up and clean form that amends the specification as filed to correct typographical errors and to insert Trademark identifiers and/or generic terminology where appropriate. Because the Substitute Specification is amended relative to the specification as filed, the amendments to the

specification directed in the amendments filed July 31, 2006 and January 29, 2007 are again indicated.

**The Rejections Under 35 U.S.C. § 112, First Paragraph, Should Be Withdrawn**

The Examiner has rejected claims 108-111, 116-118, 123 and 124 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. For the reasons detailed below, Applicants respectfully submit that the instant rejections under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Availability of ATCC Deposit

The Examiner contends that an affidavit or declaration by Applicants, or a statement by an attorney of record is required to assure that the deposited material recited in claims 108-111, 116-118, 123 and 124 will be irrevocably and without restriction released to the public upon the issuance of a patent. Applicants respectfully direct the Examiner's attention to the attached Statement of Attorneys for Applicants Regarding the Permanence and Availability of Deposited Microorganisms ("Statement;" Exhibit A), which attests to the deposit of microorganisms according to the provisions of the Budapest Treaty in compliance with the criteria set forth by 37 C.F.R. §§ 1.801-1.809 regarding the availability and permanence of deposits.

Applicants respectfully submit that the Statement obviates the Examiner's rejection based on the availability of the deposited material recited in claims 108, 109 and 123, and in claims 110-111 and 131-136 dependent thereon, and that the instant rejections should be withdrawn.

**The Rejections Under 35 U.S.C. § 102 Should Be Withdrawn**

The Rejection Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 116 and 124 under 35 U.S.C. § 102(b) as allegedly anticipated by Weinrich et al., 1996, Hybridoma 15:109-116 ("Weinrich"). In response, although not agreeing with the Examiner's contention and merely to advance prosecution, Applicants have cancelled claims 116 and 124, thus rendering the instant rejection moot.

The Rejection Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 108-111, 116-118, 123 and 124 under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent Application Publication 2005/0064514 to Stavenhagen et al. ("Stavenhagen"). Applicants respectfully disagree with the Examiner's contention.

Applicants submit that Stavenhagen is only available as prior art for the instant claims as

of its filing date of July 28, 2004, which is after the priority date of August 14, 2003 accorded the instant application (see Office Action, page 2, item 3). Stavenhagen is a continuation-in-part of U.S. Application Serial No.: 10/754,922, filed January 9, 2004 ("the '922 application"), which claims earliest priority to U.S. Provisional Application 60/439,498, filed January 9, 2003; however, the '922 application does not teach or disclose the mouse monoclonal antibody produced by hybridoma clone 1F2 having ATCC Accession number PTA-5959. Accordingly, the earliest possible § 102(e) date that can be accorded Stavenhagen for the disclosure of 1F2 is its filing date: July 28, 2004. Since the July 28, 2004 filing date is after the effective filing date of the present claims, Stavenhagen does not anticipate under § 102(e).

In view of the foregoing, Applicants request that the rejections under 35 U.S.C. § 102 be withdrawn.

**The Rejections Under 35 U.S.C. § 103(a) Should Be Withdrawn**

The Examiner has rejected claims 116-118 under 35 U.S.C. § 103(a) as allegedly obvious over Weinrich in view of Pluckthun et al., 1997, Immunotechnology 3:83-105 ("Pluckthun"). In response, although not agreeing with the Examiner's contention and merely to advance prosecution, Applicants have cancelled claims 116-118, thus rendering the instant rejection moot.

**Provisional Rejection For Obviousness-Type Double Patenting**

Claims 108-111, 116-118, 123 and 124 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9-21, 23, 30-32, 38, 41-43, 81-90, and 104-109 of U.S. Patent Application Serial No.: 11/305,787 ("the '787 application"). The Examiner contends that the claims are not patentably distinct from each other because both the instant and '787 applications are drawn to the same or nearly same anti-FcγRIIB antibody that specifically binds the extracellular domain of human FcγRIIB and/or an anti-FcγRIIB antibody with Fc modification.

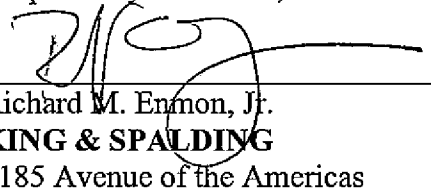
In response, and without agreeing with the double patenting rejection, Applicants request that the obviousness-type double patenting rejection be held in abeyance until indication of allowable subject matter.

## CONCLUSION

Applicant respectfully requests that the amendment and remarks made herein be entered and made of record in the instant application. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

Date: September 19, 2007



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